THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.6063 OF 1998

ORAL ORDER:

The petitioners claim to be the owners of different extents of land situated in R.S.No.219/1 and 218/2 of Jaganaikulapalem village, Ramachandrapuram mandal, East Godavari District. The said land was sought to be acquired under the provisions of the Land Acquisition Act, 1894 (for short "the Act") for providing house sites to poor and, accordingly, a notification under Section 4(1) of the Act was published. Subsequently, after conducting enquiry under Section 5-A of the Act, declaration under Section 6 of the Act was published on 16.2.1996.

In the meanwhile, the petitioners filed W.P.No.1756 of 1996 seeking a declaration that the action of the respondents in seeking to acquire the land in question without considering their objections as arbitrary and illegal. The said writ petition was disposed of by this Court at the stage of admission, by order dated 2.2.1996 granting liberty to the petitioners to submit their objections within one month and, thereafter, the enquiry under Section 5-A of the Act shall be completed.

The petitioners claimed that, pursuant to the said order they had submitted their objections and that they were under an impression that having considered their objections, the acquisition proceedings were dropped. However, when the notice under Section 12(2) of the Act was served on them, they came to know that an Award was passed on 17.2.1998 fixing compensation. Hence, this writ petition seeking a declaration that the action of the respondents in initiating proceedings under the Act and passing the Award is arbitrary and illegal.

A counter affidavit has been filed on behalf of the respondents stating that since the petitioners did not submit any objections in spite of the order of this Court in W.P.No.1756 of 1996, a declaration was made on 16.2.1996 and, thereafter the Award was passed on

17.2.1998 and possession was also taken on 4.3.1998.

I have heard the learned counsel for both the parties and perused the material on record.

Though no declaration under Section 6 of the Act was made by the date of the order in W.P.No.1756 of 1996, as could be seen from the material on record, such declaration was made on 16.2.1996 and the same was published in the local dailies on 17.2.1996. It is also the specific case of the respondents that possession was taken on 4.3.1998 by duly conducting panchanama. The petitioners have not filed any affidavit in reply, nor any other material is placed before this Court disputing the version of the respondents. Since, admittedly, declaration under Section 6 of the Act was made long back on 16.2.1996, which was never challenged by the petitioners, the respondents cannot be found fault with in proceeding further and passing an Award under Section 11 of the Act. Since possession was also taken long back, interference by this Court is not warranted on any ground whatsoever at this stage.

Accordingly, the writ petition is dismissed. N costs.

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(G. ROHINI).

13th March, 2007.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.6063 OF 1998

13th March, 2007.

Between:

Adapa Papa Rao and others. .. Petitioners.

And

Sub-Collector cum-Land Acquisition Officer,
Rajahmundry, East Godavari District and another. ..
Respondents.